

In the Matters of

WC Docket No. 04-36

WT Docket No. 96-198

CG Docket No. 03-123

CC Docket No. 92-105

The Use of N11 Codes and Other Abbreviated Dialing Arrangements

**PETITION FOR WAIVER BY THE UNITED STATES TELECOM
ASSOCIATION OF CERTAIN REGULATIONS CONCERNING
PROVISION OF 711 DIALING**

I. Introduction

The Coalition of Organizations for Accessible Technology (COAT)¹ files this opposition to petitions for a stay and waivers filed by the Voice on the Net (VON) Coalition and the United States Telecom Association (USTelecom). These petitions were filed in response to the Federal Communication Commission's (FCC's) June 15, 2007 Order extending Sections 225 and 255 of the Communications Act to interconnected voice service by Internet protocol (VoIP) providers.²

II. The Petitions

A. VON Coalition Petition

The VON Coalition requests the Commission to enter a stay of the provisions of the VoIP Disability Order that pertain to telecommunications relay services (TRS), with the exception of the obligation to contribute to the interstate TRS Fund. In the alternative, VON seeks a waiver of these requirements. COAT urges the FCC to reject the VON Coalition petition, both because it is open-ended and because it is unsubstantiated. In support of its request, the VON Coalition makes general assertions as to the

¹ The Coalition of Organizations for Accessible Technology, or "COAT," consists of over 110 national, regional, and community-based organizations dedicated to making sure that as our nation migrates from legacy telecommunications to more versatile and innovative IP-based and other communication technologies, people with disabilities will not be left behind. The guiding principle of COAT is to ensure the full inclusion of people with disabilities in all aspects of daily living through accessible, affordable and usable communication technologies as these continue to evolve.

² *In the Matters of IP-Enabled Services, Implementation of Sections 225 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities, Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities, The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, Report and Order, WC Dkt. No 04-36, WT Dkt No. 96-198, CG Dkt No. 03-123, CC Dkt No. 92-105, FCC 07-110, 22 FCC Rcd 11,275 (June 15, 2007) (VoIP Disability Order).

“technical complexities, resource and economic implications” associated with achieving compliance, which it alleges the FCC failed to consider.³ The VON Coalition fails to explain what these complexities are or what implications the FCC’s obligations will have. The VON Coalition goes on to claim that if the FCC fails to grant the stay, both interconnected providers and consumers will experience “irreparable harm,” including price increases, loss of service, and redeployment of staff that could delay the “deployment of other new and innovative life saving and national security related products and services.”⁴ The VON Coalition fails to explain how such harm will come about, what specific aspects of the Commission’s rules would lead to such disastrous consequences, or how denying basic telephone access to people with hearing and speech disabilities – who need such access in the event of an emergency – is any less important than any of its other “life saving” products and services.

The parties to this proceeding note the well-established factors that the Commission must consider in determining whether to grant a stay: (1) the likelihood of success on the merits, (2) the likelihood of irreparable injury, (3) harm to other parties, and (4) the public interest. Everything in the VON coalition points to the balance of the equities against a stay in this proceeding. The continued denial of access to VoIP services by TRS users causes irreparable harm to millions of Americans who are deaf or hard of hearing or have a speech disability. Moreover, while COAT acknowledges

³ VON Coalition Petition at 2.

⁴ VON Coalition Petition at 2-3.

that there may, in fact, be complex technological issues raised by the Commission's directive, and appreciates what the VON Coalition states are the significant time and resources already devoted to meeting the obligations contained in that order, it certainly could not be in the public interest to grant an open-ended stay of the FCC's rules at this time.

B. USTelecom Petition

USTelecom's petition is more limited in scope and time. Specifically, USTelecom only requests an additional two years beyond the October 5, 2007 implementation date set by the Commission for the handling of 911 calls by relay users who use 711. The association argues that the difficulties of not knowing the origin of calls makes automatic and immediate transfer to public safety answering points (PSAPs) difficult for now, and that the resolution of this issue will necessitate the gathering of stakeholders, including VoIP providers, relay providers, relay administrators, PSAPs, and others in the emergency services community. USTelecom notes that generally, it does expect its members to be able to comply with the portion of the order requiring interconnected VoIP providers to enable 711 dialing, but suggests that the combination of interconnected service with 711 dialing to emergency call centers presents technical challenges that cannot be resolved by individual providers.⁵ This is because, USTelecom explains, TRS providers do not have access or connectivity to the databases that were created to provide E911 service to users of interconnected VoIP service.

⁵ USTelecom Petition at 5-6.

III. COAT Position

Through various orders that have been released over the past several years, the Commission has repeatedly and consistently placed a premium on the importance of providing emergency access to the nation's public.

Unfortunately, these orders have not extended to emergency services needed by the disability community. Despite the migration of many TRS users from PSTN-based TRS to IP-based text or video relay service over the past few years, the FCC continues to have in place waivers of the requirement for these latter services to provide access to 9-1-1 PSAPs.⁶ What this means is that the *only* means of reaching emergency assistance for the millions of Americans who have primarily switched to IP-based forms of relay services, as well as the millions more who continue to rely on more traditional TRS because they do not have or cannot afford broadband IP-based text or video services, is by dialing 711 through more traditional forms of TRS. While some of these individuals may still rely on the PSTN for their residential service, it is common knowledge that many are switching – either intentionally because of lower residential rates or unintentionally through their employment – to VoIP service. Indeed, nearly all federal governmental agencies are already in the process of switching over to VoIP services. Two years is an exceedingly long and entirely unacceptable period of time to wait

⁶ The most recent of these orders is contained at *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Order, 21 FCC Rcd 14,554 (2006).

before these individuals would be able to access 9-1-1 by dialing 711, the nation's relay access gateway.

COAT appreciates some of the concerns raised in USTelecom's petition concerning the technical difficulties associated with 711/9-1-1 service, along with related concerns raised by Verizon in its various ex parte submissions to the Commission. However, the Commission is only authorized to grant a waiver of its rules when doing so is in the public interest, and a two year extension of the FCC's deadline on this matter, one which can affect the life, safety and health of people who rely on TRS for emergency access, certainly is not in the public interest. At the very most, a much more limited waiver might be in order, to allow the stakeholders to confer and collaborate on an appropriate solution.

IV. Conclusion

COAT urges the Commission to reject (1) the VON Coalition's request for an open-ended stay or waiver of the FCC's VoIP Disability Order and (2) USTelecom's request for an additional two years to comply with that Order. While a brief extension of time for each of these requests may be merited, we urge the FCC to carefully consider the consequences to TRS users of granting these requests as they have been submitted. Any stay or waiver of regulations that have been designed to achieve greater accessibility and usability for persons with disabilities will be detrimental to persons with disabilities and no stay or waiver should be granted by the Commission that

is open-ended or without time limitation. We look forward to the opportunity to provide further comment as this proceeding evolves, and would be happy to discuss these matters with the stakeholders involved at an FCC-convened meeting.

Respectfully submitted,



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On behalf of the Coalition of Organizations for Accessible Technology

CERTIFICATE OF SERVICE

I hereby certify that I have on this 27th day of September 2007, caused the foregoing document to be sent by first-class mail to the following parties:

A handwritten signature in cursive script that reads "Karen Peltz Strauss".

Karen Peltz Strauss

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